

In the Claims:

Please cancel claims 5-59 without prejudice.

REMARKS

Claims 1-59 were pending in the present application. Claims 5-59 drawn to a non-elected invention have been cancelled without prejudice. For the Examiner's convenience the currently pending claims are set forth herein as Appendix A.

No new matter has been added. Any amendments to and/or cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Rejection of Claims 1-4 Under 35 U.S.C. § 103(a)

The Examiner has maintained her rejection of claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Hathcock *et al.* [J. Exp. Med. 180: 631-640 (1994)] in view of Linsley *et al.* [U.S. Patent 5,580,756], Kuchroo *et al.* [Cell 80: 707-718 (1995)] and Janeway *et al.* [Cell 76: 275-285 (1994)], for the same reasons as set forth in the previous Office Action. In particular, the Examiner is of the opinion that "one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)." Moreover, the Examiner argues that

the use of soluble receptors was well known in the art at the time of the invention. As evidence has come forth for interactions between membrane